

Crl.O.P.No.4000 of 2016**S.VAIDYANATHAN,J.**

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 406, 419 and 420 IPC in Crime No.11 of 2016 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is alleged to have signed as a witness in a sale agreement, which is later alleged to be a fraudulently executed document.

3. Learned counsel for the petitioner submitted that the petitioner is known to both the parties and with a bonafide intention, he has signed as a witness to the said document without receiving any monetary compensation from any of the parties.

4. Learned Government Advocate (crl.side) would submit that totally, there were five accused involved in this case and the petitioner is arrayed as A3. According to prosecution, the defacto complainant's father is the owner of the land in dispute and he died in the year 1988. The complainant is the only legal heir of his father. The petitioner, colluding with other accused, created a bogus Power of Attorney in the year 2010 as if it was executed by the complainant's father who died as early as in the year 1988 and thereafter, he signed in the same as an attesting witness and later using it, he along with other accused executed a fake sale deed.

S.VAIDYANATHAN,J.

msr

5. Taking note of the fact that the forged Power of Attorney has been created in the year 2010 for a person who died in 1988 and that the petitioner/A3 is only a witness to the said document and that he has no role to play in the said forged transaction cannot be accepted and further in this case, as forged Power of Attorney has been created after the demise of the person, this court is of the view that custodial interrogation of the petitioner is necessary. Therefore, this Court is not inclined to grant the petitioner anticipatory bail. Hence, this petition is dismissed.

19.07.2016

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Crl.O.P.No.4000 of 2016